

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Bonnie Lowenthal

February 10, 2009

An act to amend Section 71205 of, and to amend the heading of Division 36 (commencing with Section 71200) of, the Public Resources Code, relating to ballast water management.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as introduced, Bonnie Lowenthal. Public resources: ballast water management.

The Marine Invasive Species Act generally applies to all vessels carrying or capable of carrying ballast water into the coastal waters of the state after operating outside of the coastal waters of the state and to all ballast water and associated sediments taken on a vessel. The act requires the master, owner, operator, agent, or person in charge of a vessel that visits a California port or place of call to maintain specified information and records related to the vessel and ballast water management, and to make available or provide the information to the State Lands Commission.

This bill would require the master, owner, operator, agent, or person in charge of a vessel carrying or capable of carrying ballast water to maintain on board the vessel, in written or electronic form, records that include the manufacturer and product name of the ballast water treatment system on board the vessel, the name of the organization that has approved the system, the approval or certification number of the system technology, and the number of tanks and the volume of each tank that is managed using the system. The bill would require the master, owner, operator, agent, or person in charge of the vessel to provide that

information to the commission in electronic or written form using a form developed by the commission upon the vessel's departure from a California port or place of call.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Division 36 (commencing with
2 Section 71200) of the Public Resources Code is amended to read:

3
4 DIVISION 36. ~~BALLAST WATER MANAGEMENT FOR~~
5 ~~CONTROL OF NONINDIGENOUS SPECIES MARINE~~
6 *INVASIVE SPECIES ACT*
7

8 SEC. 2. Section 71205 of the Public Resources Code is
9 amended to read:

10 71205. (a) (1) The master, owner, operator, agent, or person
11 in charge of a vessel carrying, or capable of carrying, ballast water,
12 that visits a California port or place, shall provide the information
13 described in subdivision (c) in electronic or written form to the
14 commission upon the vessel's departure from each port or place
15 of call in California.

16 (2) The information described in subdivision (c) shall be
17 submitted using a form developed by the United States Coast
18 Guard.

19 (b) If the information submitted in accordance with this section
20 changes, an amended form shall be submitted to the commission
21 upon the vessel's departure from each port or place of call in
22 California.

23 (c) (1) The master, owner, operator, or person in charge of the
24 vessel shall maintain on board the vessel, in written or electronic
25 form, records that include all of the following information:

26 (A) Vessel information, including all of the following:

27 (i) Name.

28 (ii) International Maritime Organization number or official
29 number if the International Maritime Organization number has not
30 been assigned.

31 (iii) Vessel type.

32 (iv) Owner or operator.

1 (v) Gross tonnage.

2 (vi) Call sign.

3 (vii) Port of Registry.

4 (B) Voyage information, including the date and port of arrival,
5 vessel agent, last port and country of call, and next port and country
6 of call.

7 (C) Ballast water information, including the total ballast water
8 capacity, total volume of ballast water onboard, total number of
9 ballast water tanks, capacity of each ballast water tank, and total
10 number of ballast water tanks in ballast, using measurements in
11 metric tons (MT) and cubic meters (m³).

12 (D) Ballast water management information, including all of the
13 following:

14 (i) The total number of ballast tanks or holds, the contents of
15 which are to be discharged into the waters of the state or to a
16 reception facility.

17 (ii) If an alternative ballast water management method is used,
18 the number of tanks that were managed using an alternative
19 method, as well as the type of method used.

20 (iii) Whether the vessel has a ballast water management plan
21 and International Maritime Organization guidelines on board, and
22 whether the ballast water management plan is used.

23 (iv) Whether the master, operator, or person in charge of the
24 vessel has claimed a safety exemption pursuant to paragraph (1)
25 of subdivision (b) of Section 71203 for the vessel voyage, and the
26 reason for asserting the applicability of that paragraph.

27 (E) Information on ballast water tanks, the contents of which
28 are to be discharged into the waters of the state or to a reception
29 facility, including all of the following:

30 (i) The origin of ballast water, including the date and location
31 of intake, volume, and temperature. If a tank has been exchanged,
32 the identity of the loading port of the ballast water that was
33 discharged during the exchange.

34 (ii) The date, location, volume, method, thoroughness measured
35 by percentage exchanged if exchange is conducted, and sea height
36 at time of exchange if exchange is conducted, of ballast water
37 exchanged or otherwise managed.

38 (iii) The expected date, location, volume, and salinity of ballast
39 water to be discharged into the waters of the state or a reception
40 facility.

1 (F) Discharge of sediment and, if sediment is to be discharged
2 within the state, the location of the facility where the disposal will
3 take place.

4 (G) Certification of accurate information, that shall include the
5 printed name, title, and signature of the master, owner, operator,
6 person in charge, or responsible officer attesting to the accuracy
7 of the information provided and certifying compliance with the
8 requirements of this division.

9 (H) Changes to previously submitted information.

10 (2) The master, owner, operator, or person in charge of a vessel
11 subject to this subdivision shall retain a signed copy of the
12 information described in this subdivision on board the vessel for
13 two years.

14 (d) The master, owner, operator, or person in charge of a vessel
15 subject to this division shall retain for two years a separate ballast
16 water log outlining ballast water management activities for each
17 ballast water tank on board the vessel and shall make the separate
18 ballast water log available to the commission for inspection and
19 review.

20 (e) (1) The master, owner, operator, agent, or person in charge
21 of a vessel subject to this division shall provide the information
22 described in subdivision (f) in electronic or written form to the
23 commission annually upon request of the commission. The master,
24 owner, operator, agent, or person in charge of the vessel shall
25 submit that information within 60 days of receiving a written or
26 electronic request from the commission. For purposes of this
27 paragraph, the reporting shall begin on January 1, 2008, and
28 continue until the date that the regulations described in Section
29 71204.6 are adopted.

30 (2) The information described in subdivision (f) shall be
31 submitted using a form developed by the commission.

32 (f) The master, owner, operator, agent, or person in charge of
33 a vessel subject to this division shall maintain *on board the vessel*,
34 in written or electronic form, records that include the following
35 information:

36 (1) (A) Date and location of drydocking events.

37 (B) Whether the vessel in general, and the submerged portion
38 of the vessel, sea chests, anchors, and associated chains in
39 particular, were cleaned during a drydocking event.

1 (2) Date and geographic location of all inwater cleaning of the
2 submerged portion of the vessel.

3 (3) (A) Date and geographic location of all antifouling paint
4 applications to the vessel.

5 (B) The manufacturer and brand name of the antifouling paint
6 applied to the vessel.

7 (g) *(1) The master, owner, operator, agent, or person in charge*
8 *of a vessel subject to this division shall provide the information*
9 *described in subdivision (h) in electronic or written form to the*
10 *commission upon the vessel's departure from a California port or*
11 *place of call.*

12 *(2) The information described in subdivision (h) shall be*
13 *submitted using a form developed by the commission.*

14 *(h) The master, owner, operator, agent, or person in charge of*
15 *a vessel subject to this division shall maintain on board the vessel,*
16 *in written or electronic form, records, including, but not limited*
17 *to, all of the following information:*

18 *(1) The manufacturer and product name of the ballast water*
19 *treatment system on board the vessel.*

20 *(2) If applicable, the name of the organization that has approved*
21 *the ballast water treatment system and the approval or certification*
22 *number of the ballast water treatment system technology.*

23 *(3) The number of tanks and the volume of each tank that is*
24 *managed using the ballast water treatment system.*